

Police vol B.

A
L E T T E R
TO HIS GRACE
THE
DUKE OF NORTHUMBERLAND;
ON THE
INTENDED MEETING
OF THE
JUSTICES OF MIDDLESEX,
A T
GUILD-HALL, WESTMINSTER;
O N
TUESDAY THE 17th OF JUNE, 1777.

L O N D O N:
PRINTED FOR FIELDING AND WALKER, No. 20.
PATERNOSTER-ROW.
MDCCLXXVII.

L E T T E R

T O H I S C L A S S

D U K E O F N O R T H U M B E R L A N D

I N T E N D E D F O R T H E

O F F I C E O F M I N I S T E R S



G U I L D H A L L

T H E D U K E O F N O R T H U M B E R L A N D

L E T T E R F O R T H E D U K E O F N O R T H U M B E R L A N D
F O R T H E D U K E O F N O R T H U M B E R L A N D
F O R T H E D U K E O F N O R T H U M B E R L A N D

A LETTER, &c.

MY LORD,

I SEE your grace, at the request of the justices, desires the noblemen and gentlemen who are named in the Commission of the Peace for the County of Middlesex, to meet your grace at the Guildhall, Westminster, to take into consideration the building a new Sessions House for this county.

B

As

As not only those in the commission who act, but those also who do not act, are, on this occasion, invited, it will probably be a very numerous, and a very respectable meeting. But the greater part of those who will be assembled, undoubtedly know as little why they are to be consulted, as they do the means by which it was effected. Those justices who have not yet attended sessions will not be able to get any information, but from those who have taken a part in former altercations; and they are so divided, and so heated by the division, that much fairness and impartiality must not be expected. Last winter a resolution was
car-

carried in sessions to petition parliament, for powers to raise a sum of money on the county and the city of Westminster by assessment, according to the poor's rate books, and with that fund to rebuild Hicks's Hall on the present spot.

The justices immediately presented their petition to the Commons, but for what reason I could never learn, almost as soon withdrew it. I have seen the plan of the intended building, I think it will do credit to the artist who designed it: but there are gentlemen who object to it, as too expensive; there are others who object to the spot; and, there are

others also, who object to rebuilding on any spot whatever.

Some wish to get the money on the same footing the county rates have been raised for many years*. Some according

* By the 12th Geo. II, c. 29, the several county rates were consolidated into one general rate, and this rate so consolidated is ordered to be raised by an assessment, in such proportions in every parish or place as *any* of the rates by the several former acts have been usually rated. On examination of these several acts, it appears that in a few the sums are directed to be raised as *they usually had been*. In some as *the justices should think convenient*; in some *rateably assessed*; and in others *in equal proportions*. Some of these rates

ing to the present poor's rate books, and some according to the actual value of what is occupied.

Interest, prejudice, and resentment, I believe, have powerfully contributed to

rates were to be levied on the counties at large, and some on limited parts only. There are many other defects which will appear on a careful perusal of the act, and which have caused, in many places, a capricious, and in some an oppressive execution of it.

A parliamentary explanation of this act is much to be wished.

the forming of this diversity of opinions, and will perhaps, at the general meeting, operate, as powerfully, to prevent any speedy resolutions concerning it.

The dispute has been maintained for some years ; and often, I am told, has almost solely engrossed the attention of the gentlemen for the only two hours which are allotted each session for the general county business ; and if your grace does not take some decisive part in it, will probably continue to engross their attention in the same manner for many years longer,

How

How far enlarging the body may be a means of expediting the business, I will not pretend to determine ; but expedition is not supposed one of the qualities of large bodies. It may train on as long, under the consideration of the whole commission, as it has done under a narrow and limited part of it.

Information may be wanting, and it may be thought necessary to adjourn the further consideration of this matter to some future day. If this should happen, let not seven hundred of the first men of the county, called together by your grace, meet in vain.

B 4

There

There is another subject proper to be enquired into ; of much more consequence than the size or situation of a sessions house. I mean the state of the buildings where those wretches are confined, in the trial of whom, sessions houses principally are employed,

This is a subject of great extent, and of great national importance ; and I trust, next session of parliament, will be fully considered in its proper place.

But that part of it which respects buildings, originally intended for the reformation of lesser criminals, I mean
the

the houses of correction, as being immediately under the direction of the justices, cannot be considered any where with more propriety than at this meeting.

There are two houses of correction in this county, one in Tothill Fields, the other in Clerkenwell ; but neither of them are any longer to be considered as kind of work-houses for vagabonds and disorderly persons only*, but gaols for

* Legislature, by the 6th Geo. ch. 29, not foreseeing the consequences, and for the relief of the prisoner,

for offenders of all denominations. That in Tothill Fields is the only prison in the jurisdiction of the magistrates for Westminster.

The proper gaol, which was formerly supported by the dean and chapter, is,

prisoner, permitted justices to commit criminals, charged with small offences, either to the common gaol or house of correction. From this period, the practice of committing felons to the house of correction has gradually encreased, and from this practice of blending the young and inexperienced with the old and professional offender, must be ascribed the great subtilty and pernicious address of most of the late offenders.

and

and has been, for some time, a heap of ruins ; and this, which supplies its place, has long been considered in every respect by the magistrates as a *prison*, so far as regards *punishment*, but in no respect when *relief* is required,

There is no part of the benevolent act of the 11th Geo. III, ch, 59, executed except the appointment of a surgeon with a salary, and that appointment was not admitted without much altercation and delay. No cloaths, no baths, no infirmary, no bedding, not even straw, no ventilators, and consequently, no act hung up, specifying what ought to be
 2 done

done for the benefit of the prisoners, as the law requires ; and, except a few separate cells for disorderly apprentices, no separation of the most atrocious felons, from debtors and lesser offenders.

The house of correction at Clerkenwell has six slips for disorderly apprentices. In these they are kept separate from each other, and from the rest of the prisoners. They are divided by thin boarded partitions only, and when, as it has happened, girls have occupied some of them, and boys the rest, part of the ends of separation have been frustrated.

Yet

Yet few and defective as they are, they have proved extremely beneficial.

A discerning magistrate, who now never commits any one to prison, in this county, when he can possibly avoid it, tells me, that before he was sufficiently apprized of the pernicious consequences of committing delinquents to prison for slight offences, he ordered several refractory apprentices to the house of correction at large. Some of them arriving when there were vacant cells, were put in, and kept separate ; these, after a few days, with all humility petitioned to have their time of imprisonment shortened,

ened, promising never to offend again ; and the justice assures me, that he never had a second complaint against any of those, who had been so confined : but such as were permitted to mix in riot, and idleness, with footpads, housebreakers, and professional thieves of every denomination, were so effectually vitiated by it, that they could never after, with safety, be admitted into any private family.

The evil which was heretofore so pernicious, must now daily become more fatal ; for to those who formerly assisted to corrupt the unwary, must be added all those

those hardened offenders, who, by the act of last sessions, instead of transportation, are doomed to a long imprisonment in the houses of correction of this country.

Legislature has directed them to be kept separate from all those who are confined for any offence under the degree of petit larceny, but the justices have hitherto paid no regard to their directions. They are suffered to associate with, and to live, in every respect, like those who are committed for safe custody only. The act of parliament specifies the cloathing, diet, and labour
of

of those who are confined in vessels on the Thames, and the law is properly executed * ; but, unfortunately, it leaves to the discretion of the justices to establish rules and orders for the well government of all those who are confined in houses of correction, and the justices have done nothing. With hard labour, low living, and lonely confinement, these wretches might, by their example, be-

* I am very far from intending to justify, in every particular, the treatment of the convicts in the vessels on the river : by the confinement of them in a less space than what is necessary for the existence of a human being, many of them have already been destroyed.

come

come a terror to evil doers, but they are at present left to corrupt others with the same vices, which brought them to their destruction.

We were driven by necessity to devise some new mode of punishment, and we wished, by the experiment, to be enabled to judge if this which we have adopted would prove effectual; but the justices, by omitting to carry the law into execution, have frustrated the design, and augmented the evils which were meant to be remedied. The house of correction at Clerkenwell was never intended for a place of confinement for the more atro-

C

cious

cious offenders : and though considerable sums were now to be expended on it, no repairs could make it secure, healthy, or commodious. More than two hundred are often confined here in dungeons little less noxious than the hole at Calcutta.

Mr. Howard says, " one of these " were so crowded, that some prisoners " slept in hammocks hung to the ceiling."

This fate equally attends prisoners of every class,—the suspected and the convicted.

Expressing my surprize that the Keeper's servants, however habituated to infected air, should avoid sickness for any length of time, a friend told me that one of these men said he always took a quantity of spirits in the morning before he unlocked the door of the night-room; that when he had unlocked it, he retreated to some distance from it, and then with a long stick he shoved open the door, carefully avoiding to go near it, until all those half suffocated wretches had for some time quitted the place, and fresh air had passed through it, and by these means he preserved

his life *. The man is since dead, but, extraordinary as it may seem, I am assured he did not die of the gaol fever.

* “ In the morning, before the Turnkeys attempt to open the doors of the different wards, which are more like the Black-hole in Calcutta, than places of confinement in a Christian country, they are obliged to drink a glass of spirits to keep them from fainting, for the putrid steam, or myasma, is enough to knock them down. They are very frequently seized with such violent retchings, that nothing will lie on their stomachs. The retching, which arises from the putrid steam they swallow, continues sometimes after repeated emetics.” *State of the Gaols in London, Westminster, and Borough of Southwark, by William Smith, M. D.*

This

This unexaggerated state of the houses of correction, my Lord, is an alarming evil, and ought to be remedied as soon as possible. The justices, we have reason to apprehend, will not remedy it. They will either leave it in the present destructive state, or attempt to alter it, on a plan calculated to perpetuate the evil. This ill-governed, unsafe, sink of corruption, so destructive to the health and morals of the prisoners, and so prejudicial to the public, in common with every other place under the management of the justices for the county of Middlesex, is without ventilators, baths, infirmaries, or means of separation.

How far the majority of these justices, unassisted by men of more liberal sentiments, ought to be trusted with the execution of works of this nature, may be inferred from what they have done at New Prison. Many thousand pounds have been expended there to erect a gaol on a plan repugnant to every dictate of humanity and sound policy.

A mere trading justice, who labours to make his present business more lucrative, though less reputable, than that of a bricklayer, carpenter, taylor, or pawnbroker, which he heretofore followed, is interested in the continuance
of

of what tends to the increase of delinquency. With the same view that he labours to have blended in one common dungeon prisoners of all denominations, he encourages and protects such Publicans as have in their houses what are called Thieves Clubs.

Gangs reduced, by being deprived of the *Forty-pounders*, as they are termed, are in those clubs recruited with the unwary; they, in their turn, are to be taken off when they become of a proper value: the justice, no doubt, feeling an inbred satisfaction in the possession of a thief which he has so largely contributed

to form. The public is apprized of the event, and the justice finds his account in it.

Townshend, *the Alchymist*, advertised from time to time that a Bear was to be seen at his house, which would, in a few weeks, be killed for his grease: it made the place known, and brought custom to his shop.

I do not mean to arraign the acting magistrates in general, or in any respect depreciate the office of justice of the peace.

I think,

I think, with Mr. Justice Blackstone,
“ the country is greatly obliged to any
“ worthy magistrate that, without any
“ sinister views of his own, will engage
“ in this troublesome office.”

There are, I am persuaded, many gentlemen in the metropolis who devote the greatest part of their time to the administration of justice, with great credit to themselves and benefit to the public. Men of humane dispositions and liberal sentiments, and who are justly intitled to every mark of attention and respect. But it must be admitted that even the justices, who act the most meritoriously,
have

have been less assiduous to prevent crimes, than to detect criminals. The magistrate who has had the greatest experience, and who, the most ably points out the evil, has not proportionably exerted himself to prevent them.

The house of correction which this able magistrate superintends, is, in many respects, as defective, as that at Clerkenwell. I confess the grand source of the evil cannot be cut off until the building is enlarged, and separation enjoined*; and

* It is the proper end of custody to keep those who are accused of injuries to society, amenable to the

and probably, any application that he might make to the justices of the county for enlarging the building, would be ineffectual ; yet, I think, it was his duty to have endeavoured to have executed, in Tothill Fields Bridewell, so much of the late act, as relates to baths, infirmary, &c.

the decision of justice. But as accusations are not proofs, and as innocence is to be presumed in every stage of the charge, the utmost tenderness and lenity are due to the person of the prisoner. And here it should be observed, that it is contrary both to public justice and public utility to throw the accused and convicted, the innocent and the guilty, indiscriminately into the same dungeon.

Prin. of Penal Laws.

The

The opposition which he met with in the appointment of a surgeon for that place, should not have deterred him from carrying into execution a very humane and beneficial act: but, whatever were his reasons for the omission, nothing has been done, though much is wanting.

It is, therefore, that I presume to recommend to your grace, and such other personages of high rank and great influence, as probably will be assembled on Tuesday next, to turn your thoughts to this important, though neglected article.

I know

I know the difficulty of prevailing on gentlemen to give this subject the necessary attention ; but I know the necessity also*.

* Money, to the amount of thousands, is not withheld when shire-halls and town-halls are wanted. There we often see grand and elegant edifices. Why should it be spared when the morals and lives of multitudes are at stake, and when it is impossible the design of legislature should be answered without it ? I mean amending the manners of petty offenders, preventing the increase of felonies, and the spread of diseases. That the two latter, instead of being prevented, are promoted by the present irregularity of Bridewells is notorious. Prescription founded on culpable negligence, should not be admitted in bar of a demand which every principle of equity, humanity, and utility conspires to enforce.

A State of the Prisons, &c.

This

This necessity is not a chimera of my own.—Mr. Howard, Mr. Hanway, Dr. Smith, and many other respectable members of society have pointed out striking instances of the gross defects of these places.

Every sessions at the Old Bailey gives fatal proofs of the bad consequences of mixing hardened felons, with the refractory, and those for safe custody only; and yet there is not in the whole county, one place, where the gaoler can keep a prisoner separate, a single week, from the rest of the prisoners.

My Lord, do not wait in expectation, that the justices will, unless compelled, remedy these evils. To their abhorrence of the crime they join an equal abhorrence of the criminal.

In the same sessions in which the law was made for *preserving the health of prisoners*, another law was made obliging the justices to discharge, in open court, prisoners acquitted on trial, and to charge their fees on the county rate. By this humane provision it seemed the miseries of the distressed, would, in some degree, be alleviated ; but the justices counter-acted

My

acted the benevolent design of legislature. Instead of raising the money on the county, as the act directs, they determined to augment the fees of all those whose prosecutors should relent before sessions, of those released on bail, and of those who should be sentenced to receive some punishment, and then not to be discharged until they shall have paid their fees.

What they now, by this augmentation, wring from the distressed, far exceeds what they were ordered to pay out of the county stock, and the burthen on
I prisoners

prisoners is increased, instead of being diminished by it,

There are many other circumstances respecting the houses of correction, equally great and alarming, which will appear on the slightest enquiry, and inspection into them; but if the evils which I have mentioned, were not so immediately, though one of your important trusts, entitled to your grace's notice, yet I am persuaded, though they were of less magnitude, an enlarged mind, and an eminently benevolent disposition, will prompt your grace to endeavour to se-

D

cure

(34)

cure to them every possible attention.

I am, with the highest respect,

Your Grace's

Most humble and

Most obedient servant,

Middlesex,

June 13.

A MEMBER.



